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From:

Name: William J. ClemensDate: August 26, 2005 Time: 7:58 AM☐ Please Confirm TransmissionContact Phone No 248-593-3019

Message: Please see the following Response for filing in patent application S/N 10/821,764.

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Name: <u>Examiner TRAN</u>		Name: <u>Michael L. Flynn</u>		
Firm: <u>U.S. Patent and Trademark Office</u>		Date: <u>June 28, 2005</u> Time: <u>3:56 PM</u>		
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Fax Number: <u>703-872-9306</u>		Contact Phone No <u>248-258-1318</u>		
File Reference: <u>132813-0015 (Formerly 16676)</u>				
Message: Please see the following Supplemental Response to Restriction Requirement and Preliminary Amendment for filing in patent application S/N 10/821,764.				
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PAGE 011 * RCVD AT 8/26/2005 8:01:56 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:2482581439 * DURATION (mm-ss):03-32				

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Fax Number: 703-872-9306File Reference: 132815-0015 (Formerly 16676)

From:

Name: Michael L. FlynnDate: June 28, 2005 Time: 3:56 PM☐ Please Confirm TransmissionContact Phone No 248-258-1318

Message: Please see the following Supplemental Response to Restriction Requirement and Preliminary Amendment for filing in patent application S/N 10/821,764.

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By

William J. Clemens  
William J. Clemens

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DeMotte et al.	)	Group Art Unit: 3651
	)	
Serial No.: 10/821,764	)	Examiner: K. Tran
	)	
Filed: September 5, 2003	)	Attorney Docket: 132815-0015
	)	(formerly 16676)
	)	
For: AUTOMATED PALLETIZING	)	
CASES HAVING MIXED SIZES	)	
AND SHAPES	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-14501

RESPONSE TO NOTICE OF NONRESPONSIVE AMENDMENT

Honorable Sir:

In the Notice of Nonresponsive Amendment, dated August 23, 2005, the Examiner stated that:

The reply filed on 06/28/2005 is not fully responsive to the prior Office Action, Species Restriction Requirement, because of the following omission(s) or matter(s): Applicant has inadvertently failed to point out the specific claim(s) that would read upon the elected Species III. See 37 CFR 1.11 1. Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Attached is a copy of Applicants' "Supplemental Response to Restriction Requirement and Preliminary Amendment" filed on June 28, 2005. On page 1, it is stated that the claims readable on


000132815/0015/644061-1

1

Species III are Claims 1, 2, 9, 10, 11, 12, 19 and 20. This page appears in the Image File Wrapper as the second page of the document entitled "Amendment – After Non-Final Rejection". Therefore, the Supplemental Response filed on June 28 was fully responsive to the Restriction Requirement.

Applicants believe that the Examiner may have been looking at the "Response to Restriction Requirement" filed on June 24 which did omit the identification of the claims readable on Species III. This document appears in the Image File Wrapper entitled "Response to Election/Restriction Filed".

Respectfully submitted,

  
William J. Clemens, Reg. No. 26,855  
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## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

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2005

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By



Michael L. Flynn

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In re Application of: DeMotte et al.	)	Group Art Unit: 3651
	)	
Serial No.: 10/821,764	)	Examiner: K. TRAN
	)	
Filed: : September 5, 2003	)	Attorney Docket: 132815-0015
	)	(formerly 16676)
	)	
For: AUTOMATED PALLETIZING	)	
CASES HAVING MIXED SIZES	)	
AND SHAPES	)	

Commissioner for Patents  
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SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT AND  
PRELIMINARY AMENDMENT

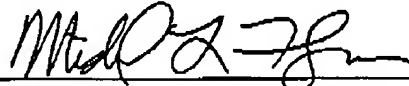
Honorable Sir:

In response to the restriction requirement set forth in the Office Action dated June 9, 2005,  
Applicants hereby elect Species III – the “Adjacent Rule” for examination, without traverse.

The claims readable on Species III are Claims 1, 2, 9, 10, 11, 12, 19, and 20. Claims 1, 2, 9,  
10, 11, 12, and 19 are believed to be generic.

In addition, prior to the first Office Action, please enter the following amendments to the claims.

Respectfully submitted,



Michael L. Flynn, Reg. No. 47,566  
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